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RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Note verbale dated 14 December 1993 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Director-General of the United Nations Office at Geneva

I have the honour to transmit herein the report prepared by the Federal Ministry for Human and Minority Rights entitled "The Position of the Serb and Montenegrin Minority in Albania" with a request that it be transmitted to the United Nations Centre for Human Rights and that it be circulated as an official document of the fiftieth session of the United Nations Commission on Human Rights, due to be held in Geneva from 31 January to 11 March 1993, under item 18: Rights of persons belonging to national or ethnic, religious and linguistic minorities.

(Signed) Vladimir Pavicevic
Ambassador

GE.93-85972 (E)

THE POSITION OF THE SERB AND MONTENEGRIN MINORITY IN ALBANIA

It is very difficult to say anything precise about the position of Serbs and Montenegrins in Albania in view of the fact that there still are no reliable data on all the aspects of their life in this neighbouring State. This lack of information is a result of several factors: the long self-imposed isolation of Albania from the rest of the world, its policy towards national minorities, and also the insufficient concern of the Yugoslav authorities for this particular problem.

Serbs and Montenegrins lived in the territory of Albania as early as in the eleventh century. Namely, Skadar, together with the northern part of what is today Albania, was part of the Serbian medieval State from the eleventh century until 1479 when it fell under Turkish rule. The early feudal Serbian State of Duklja, i.e. Zeta, encompassed parts of today's northern Albania, with Skadar as the capital of the Serbian rulers from Zeta from 1043. After the fall of the Turkish Empire in 1913, the Montenegrin army liberated Skadar, but at the London Conference held in the same year, it was given to Albania, as later confirmed by the 1919 Versailles Peace Treaty.

Figures on the number of members of the Serb and Montenegrin nationality in Albania are unreliable, but it is estimated that out of a population of 3.3 million, there are about 40,000 Serbs and Montenegrins in Albania. However, official Albania states that according to the last 1989 census, there are 100 (one hundred) people of Slavic origin. Even this can be considered a step forward in Albania's minority policy, in view of the fact that it previously denied the very existence of the Serb and Montenegrin minority.

During the entire post-war period, members of the Serb and Montenegrin minority were constantly subjected to assimilation, denationalization and displacement and completely deprived of any possibility of expressing their national, ethnic and cultural identity. The use of the Serbian language in conversation was prohibited. Similarly, it was also prohibited to listen to Yugoslav radio and television programmes, receive press and books from Yugoslavia, exchange visits, etc. People accused of speaking the Serbian language or expressing their national identity in any way, ended up in prison for many years.

Under the 1975 Decree on the Change of Personal Names, citizens were obliged to change their names if they were in contravention of "political, ethical, and ideological" principles. To that end, a Register of National Names was published, containing 3,000 Albanian national names exclusively to be used as legitimate. The aim was to deal the last blow to the almost entirely assimilated population of Slavic and Hellenic origin. The names and surnames of members of national minorities were changed by force, and many well-known Serb and Montenegrin surnames were changed into Albanian ones, while their identity cards were replaced by new ones declaring their nationality as Shquiptar. The Serbs and Montenegrins contrived to defy this form of forcible denationalization; they took surnames that were in fact the nicknames of their ancestors or toponyms, and refused to give names to their children for a whole year to avoid giving them Albanian ones, and taught them the Serbian language and customs in secret.

In order to obliterate everything non-Albanian, the 1966 Decree changed the topographic names of places with a minority population. The 1975 Decree on the Change of Geographical Names with Religious Contents was also instrumental to the Albanian Government's nationalistic policy, because it was selectively applied to change names principally of Christian origin.

Although all the citizens of Albania were denied religious freedoms, the ban on religion introduced by the 1967 Decree, and later on by the Constitution, particularly affected minority populations that were thus deprived of the last stronghold of their spirituality and culture. In these lands the church played a special role in all aspects of spiritual life of the Serbian people, and accordingly the ban of religion was a result of a deliberate policy of forcible assimilation of Serbs and Montenegrins in Albania. Orthodox churches were torn down or turned into other purpose facilities (even storehouses), religious objects and books were plundered or destroyed, priests were persecuted, arrested and even killed. People were alienated from their faith, forced to forget their old religious customs, like celebrations of Christian holidays, of their Patron Saint's Day, baptism, and marriage and funeral with church rites. Furthermore, in 1930 an Autocephalous Orthodox Church was formed thus preventing direct contacts of the Orthodox population with the Church in their homeland, which further weakened spiritual and cultural links with the country of origin.

The following are some of the State policy measures limiting the fundamental human rights of all the citizens of Albania, but, objectively, particularly affecting members of minority groups: the possibility of what is known as administrative persecution (without formal charges) of individuals and families jeopardizing the State system; the obligation of citizens to work in places where jobs can be provided for them; the depriving of Montenegrins of fertile land in Vraka, and its allocation to Albanian families from mountainous regions, etc.

In a closed totalitarian political system, Albania managed to remain nationally monolithic by permanently violating its own constitutional-legal system (e.g. the Decree on the Change of Personal Names and Names of Geographical Places is in direct contravention of Article 54 of the Penal Code, which penalizes violations of the collective rights of members of national minorities), as well as by violating international law (the Decree on the Ban of Religion is in contravention of the Charter of the United Nations).

Under the 1976 Constitution, Albania recognized its national minorities in formal and legal terms. The amendments to the Constitution of 31 March 1993, regulate the position and rights of national minorities in the section entitled "Fundamental Human Rights and Freedoms". Members of national minorities are guaranteed the right to "freely express, maintain and develop their ethnic, cultural, religious and linguistic identity, instruction and education in their mother tongue", as well as to associate with a view to "protecting their interests and identity". However, these issues are regulated by the Constitution only in principle, and have not been elaborated by any concrete regulations.

In practice, however, the Serbian language is currently not in official use in any of the communes in which members of our minority live. There are

no publishing or information activities in the Serbian language (press, radio and television). No school has classes in the Serbian language. It is worth mentioning at this point that the Serbs used to have one of the oldest schools in the Balkans in the territory of today's Albania, established in 1828 in Skadar. This school was abolished in 1933, and to date the Slavic minorities in Albania have never been enabled to attend schools in their mother tongue.

In the last two years, there have emerged trends of democratization of the political system in Albania. Religious restrictions have been eliminated, thus opening possibilities for the revival of the role of the Orthodox Church in all aspects of spiritual life of the Serbs in that country. Members of minority communities are enabled to organize themselves politically and culturally; on 30 December 1992 the first association of Montenegrins named "Co-existence and Harmony" was formed in Vraka. Lately, members of minorities have been enabled to take back their old surnames and establish contacts with their parent country (the right to cross the State border freely).

However, this small step forward in the policy towards national minorities, as compared to the totalitarian system that existed until recently, cannot have a major impact on the position of Serbs and Montenegrins in Albania, in view of the grave consequences of the long assimilation and denationalization of minorities in this State. To date there has not been any major progress in the national minorities policy. No specific regulations to govern these issues have been adopted, and the existing ones de facto continue to suffocate minority rights, though less openly than before. Thus, for example, according to the 1992 administrative division, the minority group called Goranci was divided into two communes, each of them including one Albanian village in order to disrupt the ethnic compactness. For the same purpose the area of Vraka (populated by Montenegrins) was attached to the newly founded region of Velika Malesija with its centre in Koplik, exclusively populated by Albanians, the majority of whom are Catholics.

Under these conditions it is very difficult to speak about the protection and revival of the national identity of Serbs and Montenegrins in Albania. This is further supported by the fact that around 2,000 refugees of Serbian and Montenegrin nationality from Albania are living in the Federal Republic of Yugoslavia at the moment. In order to enable the survival and ensure the fundamental rights of our minorities, both the Albanian and the Yugoslav authorities need to invest more effort, assisted by the entire international community.

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